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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/617,531

07/11/2003

Waheed A. Abbasi

2003P08203US

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09/02/2004

Siemens Corporation
Intellectual Property Department
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EXAMINER

CHAPMAN JR, JOHN E

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/617,531 | Applicant(s) ABBASI ET AL. | |
| | Examiner John E Chapman | Art Unit 2856 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) 4-6, 8, 10, 12-15 and 21-25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 11 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/11/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election with traverse of Group I(a) in the reply filed on August 12, 2004 is acknowledged. The traversal is on the ground(s) that to support a restriction requirement for a combination/subcombination, two-way distinctness must be shown and there must be a reason for insisting on the restriction, i.e., separate classification, status or field of search. This is not found persuasive because Inventions I(a) through I(f) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are separately usable. In the present case, a securing component for removably attaching a tool proximate a joint (Invention I(a)) is separately usable from a motion imparting component for scanning an arm along longitudinal and transverse directions (Invention I(b)). The tool 100 may be removably attached proximate a joint by a clamp 101 without scanning arm 106 along longitudinal and transverse directions, for example, by scanning in only one direction. Arm 106 may be scanned along longitudinal and transverse directions without removably attaching the tool 100 by clamp 101, for example, by fixing the tool 100 proximate a joint. Likewise for the other subcombinations (Inventions I(e)-(f)). Applicant has not provided any showing that the subcombinations cannot be used separately. Regarding a reason for insisting on the restriction, two-dimensional scanning and clamping are clearly directed to recognized divergent subject matter, and would require a different field of search, for example, the former would require a search in Class 73/621 not required for the latter.

Accordingly, the requirement is still deemed proper and is therefore made FINAL.

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2. Claims 4-6, 8, 10, 12-15 and 21-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

3. Claims 1 and 16-18 are rejected under 35 U.S.C. under 35 U.S.C. 103(a) as being unpatentable over Becherucci et al.

Becherucci et al. discloses an inspection tool for determining the condition of a fused tang/commutator bar joint comprising a sensor 13 supported by an arm 88 for inspecting the joint, and an apparatus 70 for determining the condition of the joint by scanning the interface region 310 (col. 12, lines 31-33). Becherucci et al. teaches moving probe 313 relative to the interface region 310 (col. 12, lines 24-30). Becherucci et al. does not indicate whether the probe 313 is moved or the armature 81 is moved. Nevertheless, it would have been obvious to move the probe 313 relative to interface 310, in view of the adjustability of the arm 88 (col. 9, lines 29-32) and in view of the relative ease in moving the probe 313 instead of the armature 81 when moving beam 314 relative to interface 310 as shown in Figs. 12A-12C. The beam 314 inspects a plurality of zones in Figs. 12A-12C.

4. Claims 1-3, 7, 11 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toth in view of Fletcher et al.

Toth discloses an inspection tool for determining the condition of a circumferential weld comprising a sensor 16 supported by an arm 64 for inspecting the condition of the weld. The tool performs a conventional C-scan (col. 2, lines 64-65) and thereby inspects a plurality of

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zones in the weld. The only difference between the claimed invention and the prior art consists in inspecting a surface that overlies a joint. In col. 1, lines 17-20, Toth teaches that it is known in the art to ultrasonically inspect brazed tube joints, and references Fletcher et al. Accordingly, it would have been obvious to one having ordinary skill in the art to use the apparatus of Toth to inspect the condition of a brazed tube joint, as taught by Fletcher et al.

Regarding claims 2 and 3, latch 45 of Toth comprises a clamp. Not col. 4, lines 33-35.

Regarding claim 7, a conventional C-scan comprises a plurality of substantially equally sized grid regions.


5. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 20 is allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E Chapman whose telephone number is (571) 272-2191. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John E Chapman
Primary Examiner
Art Unit 2856